

REMARKS

STATUS OF CLAIMS

Claims 1-84 have been amended.

Claims 17, 38, 59 and 80 have been cancelled.

Claims 1-16, 18-37, 39-58, 60-79 and 81-84 are currently pending in the application.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 1-84 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

Claims 7-9, 28-30, 49-51 and 70-72 were rejected under 35 U.S.C. § 112(1) as allegedly failing to comply with the written description requirement.

Claims 1-6, 9, 11-14, 21-27, 30, 32-35, 42-48, 51, 53-56, 63-69, 72, 74-77 and 84 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent 6,636,983 B1 ("Levi").

Claims 7-8, 15, 28-29, 36, 49-50, 57, 70-71 and 78 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Levi, in view of U.S. Pat. App. Pub. 2002/0156882 A1 ("Natarajan"), further in view of U.S. Pat. App. Pub. 2003/0097438 A1 ("Bearden").

Claims 10, 31, 52 and 73 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Levi, in view of Perkins, SNMP Alarms and MIB Module, ("Perkins").

Claims 18, 20, 39, 41, 60, 62, 81 and 83 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Levi, in view of Natarajan.

Claims 16, 37, 58 and 79 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Levi, in view of U.S. Patent 6,425,008 B1 (“Lecheler”).

Claims 17, 38, 59 and 80 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Levi, in view of Lecheler, Natarajan, and U.S. Pat. Pub 2004/0213224 A1 (“Goudreau”).

Claims 19, 40, 61 and 82 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Levi, in view of U.S. Pat. App. Pub. 2003/0110398 (“Dacier”).

The rejections are respectfully traversed.

I. ISSUES NOT BASED ON THE PRIOR ART

A. CLAIMS 1-84 --- 35 U.S.C. § 101

The Office action at page 2 rejected Claims 1-21 because the terms “network device,” “alarm identification component” and “network operations center” were indicated in the Specification as being potentially embodied in software. The Office action additionally at page 2 additionally rejected Claims 43-63 under the same rationale.

In response, Applicants note that the particular embodiment of these features does not affect the statutory nature of the claims. A statutory method claim can be accomplished via all hardware elements, all software elements, or a mix of the two. Software instructions loaded in a computer comprise a statutory “machine.”

Because at least one embodiment encompasses at least some hardware, the claims are directed to statutory subject matter. Further, the Office action cites no supporting authority. The claims are not directed to computer instruction text printed on paper or other “non-

functional descriptive matter.” Current claims 1-16 and 18-21 cannot be twisted in a manner that would recite a claim directed to a non-statutory software program per se.

Regarding current system claims 43-58 and 60-63, the description of the terms “network device,” “alarm identification component” and “network operations center” provide the multiple embodiments disclosed as the quid pro quo for drafting claims using means-plus-function language, and the possibility that one embodiment among the combination might consist only of software, does not imply the claim as a whole is directed to non-statutory subject matter.

Regarding current claims 22-37, 39-42, 64-79 and 81-84, these claims recite “a computer readable storage medium” that excludes acoustic and light waves, thus making the claims statutory.

Applicants respectfully request entry and reconsideration.

B. CLAIMS 7-9, 28-30, 49-51 AND 70-72 --- 35 U.S.C. § 112(1)

The Office action at page 3 rejected Claims 7-9, 28-30, 49-51 and 70-72 as failing to comply with the written description requirement because “there is no support in the specification for utilizing both alarm identification components together.”

In response, Applicants note that Fig. 1C illustrates multiple alarm identification components in multiple devices. Support for these claims can be found in the Specification at paragraph 0032, which states (emphasis added):

For example, in FIG. 1A, if the event is associated with device 154A, then in an embodiment either device 154A or edge router 152 may be configured to detect the event. In another example, in FIG. 1B, if the event is associated with device 154A, then in an embodiment either device 154A or AIC 140 may be configured to detect the event. In another example, in FIG. 1C, if the event is associated with device 154A, then in an embodiment either device 154A, the

AIC 140 on device 154A, or edge router 152 may be configured to detect the event. **In other embodiments not depicted in FIGS. 1A-1C, other entities within a particular site may detect events associated with devices occurring within the particular site.**

Applicants respectfully request reconsideration and withdrawal of this rejection.

II. ISSUES BASED ON THE PRIOR ART

A. CLAIMS 1-6, 9, 11-14, 21-27, 30, 32-35, 42-48, 51, 53-56, 63-69, 72, 74-77 AND 84 --- 35 USC 102(e)

Claims 1-6, 9, 11-14, 21-27, 30, 32-35, 42-48, 51, 53-56, 63-69, 72, 74-77 and 84 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Levi. The rejection is respectfully traversed.

Present independent claim 1 now recites (emphasis added):

A method for communicating an alarm in a computer network, comprising:
a network device detecting an event within the network device on the computer network, wherein the network device is included in a particular site in a plurality of sites, and wherein the event results from a change in operation of the network device;
in response to detecting the event, the network device generating and propagating an alarm to an alarm identification component that is hosted within the network device;
the alarm identification component augmenting the alarm with identification information to create an augmented alarm, wherein the identification information uniquely identifies the particular site among the plurality of sites; and
transmitting the augmented alarm to a network operations center for the computer network, wherein the network operations center is external to the particular site and the network operations center processes alarms for each site in the plurality of sites,
wherein the step of augmenting the alarm further comprises:
determining whether the identification information can be created based on a table that maps network device addresses to identification information;
when the identification information can not be created based on the table, determining whether the identification information can be created based on an address of an edge router for the particular site; and

when the identification information can not be created based on an address of the edge router for the particular site, creating the identification information using default identification information.

Current claims 22 and 64 also include this feature; current claim 43 includes this feature written in means-plus-function form. As indicated in the Office action at pages 12-14, Levi neither teaches nor suggests this feature. For this reason, Applicants respectfully request the anticipation rejection be withdrawn for all current claims.

B. CLAIMS 7-8, 10, 15-20, 28-29, 31, 36-41, 50, 52, 57-62, 70-71, 73, AND 78-83 --- 35 USC 103(a).

Each of Claims 7-8, 10, 15-20, 28-29, 31, 36-41, 50, 52, 57-62, 70-71, 73, and 78-83 stand rejected under 35 U.S.C. § 103(a) as unpatentable in view of Levi, when taken together with one or more of the following references: Natarajan, Bearden, Perkins, Lecheler, Goudreau and Dacier.

In particular, the Office action at pages 12-14 rejected claims 17, 38, 59 and 80 using Levi, in view of Lecheler, Natarajan and Goudreau. These claims now correspond to current claims 1, 22, 43 and 64. Because Goudreau teaches away from its combination with the other references {Levi, Lecheler, Natarajan}, the four-way combination of references is improper. Therefore, Applicants respectfully request reconsideration and withdrawal of obviousness rejections applied to current claims 1, 22, 43 and 64.

Regarding Goudreau, the Office action at page 13-14 asserts the following:

Levi in view of Lecheler and Natarajan do not show prioritizing the use of said mapping table over said edge router information.

Goudreau shows prioritizing the use of said mapping table over said edge router information, specifically showing where said mapping table is the

fastest, most simple method [0009] and providing utilizing edge routers as a more advanced alternative [0003-0007, 0016].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Levi in view of Lecheler and Natarajan and with that of Goudreau in order to provide for more advanced traffic management designed to accommodate present and future internet traffic that considers multiple methods of managing said traffic in order to utilize the optimum choice (Goudreau, [0002-0009]).

The “lookup table” of Goudreau is used by an edge router only to forward packets, a teaching having nothing whatsoever to do with communicating an alarm in a computer network. Nevertheless, were an artisan of ordinary skill in the art looking to combine Goudreau with {Levi, Lecheler, Natarajan}, the teaching of Goudreau would lead the artisan to drop the use of: (1) network device address information and (2) edge router information, and use the mapping table alone, because of the benefits “including speed, simplicity, and modularity” as specifically enumerated by Goudreau in paragraph 0009 and cited in the Office action.

With reference to Fig. 7, Goudreau provides no guidance regarding what is to happen if an incoming packet cannot be matched to “corresponding code” in the “QoS Table.” Goudreau would only lead to use of a simple quick mapping table that would drop packets when they cannot be matched in a table.

In contrast to the sole use of lookup tables advocated by Goudreau, Applicants’ claimed method provides a three-tiered approach to creating identification information for use when an alarm is augmented. Applicants’ approach, unlike Goudreau, provides a solution when the table cannot be used as a source of identification information. Therefore, Applicants respectfully request that all rejections based on 35 U.S.C. § 103(a) be withdrawn.

III. CONCLUSION

Claims 2-21 depend upon Claim 1, Claims 23-42 depend upon Claim 22, Claims 44-64 depend upon Claim 43, and Claims 65-84 depend upon Claim 64, and thus include each and every feature of the corresponding independent claims. Each of Claims 2-21, 23-42, 44-64, and 65-84 is therefore allowable for the reasons given above for Claims 1, 22, 43, and 64. In addition, each of Claims 2-21, 23-42, 44-64, and 65-84 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time. Therefore, it is respectfully submitted that Claims 2-21, 23-42, 44-64, and 65-84 are allowable for the reasons given above with respect to Claims 1, 22, 43, and 64.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
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